

Clinton County Board of Supervisors

Clinton County Administration Building
1900 North Third Street

Daniel A. Srp, Chairperson
Shawn Hamerlinck, Vice Chairperson
John F. Staszewski

P.O. Box 2957
Clinton, Iowa 52733-2957
Telephone: (563) 244-0575

www.clintoncounty-ia.gov

PUBLIC NOTICE is hereby given that the Clinton County Board of Supervisors will meet at the following time and place: MONDAY, June 6, 2016, 9:00 A.M.; Clinton County Administration Building, Conference Room B, 1900 N. 3rd St., Clinton, IA.

9:00 a.m. Review Correspondence & Claims

Call to Order – Pledge of Allegiance

9:15 a.m. Formal Action & Motions

CONSENT AGENDA

- RESOLUTION 2016-114: Appointment – Treasurer’s Office
- RESOLUTION 2016-115: Property tax adjustment
- RESOLUTION 2016-116: Tax suspension request – Code of Iowa Sec. 427.8 (Dykes)
- RESOLUTION 2016-117: Set a public hearing for the proposed Anderson Subdivision
- RESOLUTION 2016-118: Set a public hearing for the proposed Rittmer’s 3rd Addition Subdivision
- RESOLUTION 2016-119: Set a public hearing for the proposed amendment to the County Floodplain Management Ordinance
- RESOLUTION 2016-120: Set a public hearing for the proposed amendment to the County Zoning Ordinance

RESOLUTIONS

- Updated Clinton County HIPAA policy
- County Engineer employment contract

UNFINISHED BUSINESS

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS & EMPLOYEES

DISCUSSION WITH POSSIBLE ACTION

1. Proposed revisions to the County Ditch Cleaning Policy
2. Planning and Zoning Director job recruitment update.

9:30 a.m. Drainage Districts

Drainage District 17 – Attorney review of right-of-way issue in regards to ditch meander.

All Drainage Districts – Revised Drainage District policy

June 6, 2016

RESOLUTION 2016 - 114

WHEREAS, the Clinton County Treasurer is an elected official and the Board of Supervisors does not consider nor appoint personnel for elected officials, but need to authorize payroll for the County Auditor.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa that the County Auditor be and is hereby authorized to issue biweekly paychecks on the General Basic Fund, Office of County Treasurer to Elley Housenga, Gabrielle Hahn, and Krista Atkinson, in the position of "part-time switchboard" effective May 31, 2016 at an hourly rate of \$13.61.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Daniel A. Srp, Chairperson
Clinton County Board of Supervisors

ATTEST:

Eric Van Lancker, Auditor
County of Clinton State of Iowa S: Admin/

June 6, 2016

RESOLUTION 2016 - 115

WHEREAS, taxes for Clinton County and City of Clinton parcel #8616300000 owned currently by City of Clinton at 80 25th Ave N, Clinton, and parcel 8625280000 owned by the State of Iowa located at 401 Main Avenue, Clinton have been and remain outstanding after notice has been given, further; Iowa code chapter 445.63 provides for the following action by the county board of supervisors :

"When taxes are owing against a parcel owned or claimed by the state or a political subdivision of this state and the taxes were owing before the parcel was acquired by the state or a political subdivision of this state, the county treasurer shall give notice to the appropriate governing body which shall pay the amount of the taxes due. If the governing body fails to immediately pay the taxes due, the board of supervisors shall abate all of the taxes"

THEREFORE, BE IT RESOLVED by the board of supervisors of Clinton county, Iowa that the county treasurer be and is hereby authorized to make adjustment to the tax owing against the aforementioned parcels on the county system in accordance with chapter 445.63 code of Iowa.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Daniel A. Srp, Chairperson
Clinton County Board of Supervisors

ATTEST:

Eric Van Lancker, Auditor
County of Clinton State of Iowa S: Admin/

RESOLUTION # 2016-116

WHEREAS, Lucille Dykes has petitioned for suspension of taxes under the provisions of Code of Iowa, Section 427.8, on the following described property:

1606 Middle Road, Camanche IA

Parcel # 10-17090000

WHEREAS, eligibility for said suspension has been verified by Kim Ralston, CAP Director.

BE IT RESOLVED by the Clinton County Board of Supervisors that tax suspension [for the collection of taxes, special assessments, and rates or charges, including interest, fees and costs] be and is hereby approved and the County Treasure is authorized to make entry on her records accordingly, all under provision of Section 427.8, Code of Iowa.

BE IT FURTHER RESOLVED that tax suspension under provision of Section 427.8, Code of Iowa is for the 2014 Assessment Year and all prior years and it is the responsibility of the petitioning taxpayer to reapply for further tax suspension.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Daniel A. Srp, Chairperson
Clinton County Board of Supervisors

ATTEST:

Eric Van Lancker
County Auditor
County of Clinton
State of Iowa

RESOLUTION #2016 - 117

BE IT RESOLVED, that the Clinton County Board of Supervisors will hold a Public Hearing on the **27th day of June, 2016 at 9:30 a.m.** in Conference Room B at the Clinton County Administration Building, 1900 North 3rd Street, Clinton, Iowa 52732 for the purpose of soliciting public comment on subdivision application 3967 of Charles & Kristy Anderson to be known and designated as Anderson Subdivision; and

BE IT FURTHER RESOLVED, the Clinton County Board of Supervisors authorizes Planning and Zoning Director Nate Mueller to prepare and submit the proper Public Hearing notice to the appropriate media outlets.

Roll Call: **Staszewski:** _____

Hamerlinck: _____

Srp: _____

Daniel A. Srp, Chairperson
Clinton County Board of Supervisors

ATTEST:

Eric Van Lancker, County Auditor
County of Clinton, State of Iowa

RESOLUTION #2016 - 118

BE IT RESOLVED, that the Clinton County Board of Supervisors will hold a Public Hearing on the **27th day of June, 2016 at 9:35 a.m.** in Conference Room B at the Clinton County Administration Building, 1900 North 3rd Street, Clinton, Iowa 52732 for the purpose of soliciting public comment on subdivision application 3968 of Dennis Campbell and Kristin Siebs-Campbell to be known and designated as Rittmer's 3rd Addition; and

BE IT FURTHER RESOLVED, the Clinton County Board of Supervisors authorizes Planning and Zoning Director Nate Mueller to prepare and submit the proper Public Hearing notice to the appropriate media outlets.

Roll Call: **Staszewski:** _____

Hamerlinck: _____

Srp: _____

Daniel A. Srp, Chairperson
Clinton County Board of Supervisors

ATTEST:

Eric Van Lancker, County Auditor
County of Clinton, State of Iowa

RESOLUTION #2016 - 119

BE IT RESOLVED, that the Clinton County Board of Supervisors will hold a Public Hearing on the **27th day of June, 2016 at 9:40 a.m.** in Conference Room B at the Clinton County Administration Building, 1900 North 3rd Street, Clinton, Iowa 52732 for the purpose of hearing the first reading and soliciting public comment on a proposed text amendment to the Clinton County Floodplain Management Ordinance to clarify certain requirements for the construction of accessory structures in the Floodway Fringe District and updating the effective date of Official Floodplain Zoning Map; and

BE IT FURTHER RESOLVED, the Clinton County Board of Supervisors authorizes Planning and Zoning Director Nate Mueller to prepare and submit the proper Public Hearing notice to the appropriate media outlets.

Roll Call: **Staszewski:** _____
Hamerlinck: _____
Srp: _____

Daniel A. Srp, Chairperson
Clinton County Board of Supervisors

ATTEST:

Eric Van Lancker, County Auditor
County of Clinton, State of Iowa

RESOLUTION #2015 - 120

BE IT RESOLVED, that the Clinton County Board of Supervisors will hold a Public Hearing on the **27th day of June, 2016 at 9:45 a.m.** in Conference Room B at the Clinton County Administration Building, 1900 North 3rd Street, Clinton, Iowa 52732 for the purpose of hearing the first reading and soliciting public comment on a proposed text amendment to the Clinton County Zoning Ordinance allowing the severance of an existing farm dwelling from the surrounding farm ground within 1320 feet of an established feedlot or livestock confinement operation subject to certain conditions; and

BE IT FURTHER RESOLVED, the Clinton County Board of Supervisors authorizes Planning and Zoning Director Nate Mueller to prepare and submit the proper Public Hearing notice to the appropriate media outlets.

Roll Call: **Staszewski:** _____
 Hamerlinck: _____
 Srp: _____

Daniel A. Srp, Chairperson
Clinton County Board of Supervisors

ATTEST:

Eric Van Lancker, County Auditor
County of Clinton, State of Iowa

RESOLUTION # 2016- _____

June 6, 2016

WHEREAS, according to Iowa Code Section 309.17, the Board of Supervisors shall employ one or more licensed civil engineers who shall be known as county engineers, and,

WHEREAS, it is in the best interest of both parties to review the Clinton County Engineer Employment Contract and Agreement annually;

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that said employment contract and agreement be and is hereby approved.

Roll Call:

Hamerlinck: _____

Staszewski: _____

Srp: _____

ATTEST:

**Eric Van Lancker
County Auditor
County of Clinton
State of Iowa**

**Chairman
Clinton County Board of Supervisors**

FREY, HAUFE & CURRENT, P.L.C.

ATTORNEYS AT LAW
408 SOUTH SECOND STREET
CLINTON, IOWA

52732

L.L. JURGEMEYER (1918-1980)
A. JOHN FREY, JR.
STÉPHEN D. HAUFE
T. RANDY CURRENT

PHONE (563) 242-1832
FAX (563) 242-1845

May 25, 2016

Todd Kinney
Clinton County Engineer
1900 North 3rd Street
Clinton, IA 52732

RE: Cherry Creek Easement

Dear Todd:

Previously you inquired regarding what is the appropriate procedure when a creek which a Drainage District uses as drainage infrastructure meanders outside of the platted easement held by the District. Specifically in this case, it my understanding that Drainage District 17 is dealing with the meandering of Cherry Creek outside of the easement area which was obtained when the District was established.

You specifically asked whether the drainage easement moved with the meandering creek. I can advise that you in this situation the answer is no. The issue of meander is addressed in the provisions of Chapter 468.126, subsections 6 and 7. I have included a copy of Chapter 468.126 for your review.

Under the provisions of 468.126(6) the board, acting as trustees, has several options available to them. The statute states that the District may by contract or conveyance acquire the necessary lands or easements for making repairs, including easements for meander. Additionally, these easements may be obtained in the same manner as originally used for the establishment of the District or by the power of eminent domain as provided in Chapter 6B of the Code.

The provisions of 468.126(7) would also seem to apply here. This would appear to deal mainly with the procedure to be followed by the board in obtaining the easement. It appears the new easement and construction expenses would be treated as an improvement and subject to the requirements of 468.126(4) regarding the procedure to be followed by the board. Under 468.126(4)(c) if the estimated cost of the project is less than \$50,000, then no public hearing is required. If the estimated cost exceeds \$50,000, then a hearing must be held and proper notice given as set forth in subsection 4.

First, I think you need to determine what additional lands will be needed and then approach the landowner about what he or she feels would be a reasonable price for the

FREY, HAUF & CURRENT, P.L.C.


necessary easement. If there are lands currently within the easement area which are no longer needed by the Drainage District, then a possible swap of lands could also be a piece of the equation. If a reasonable price can be negotiated for the easement expense, you then need to get estimates regarding the cost of the actual construction work. This will give you a better idea whether the \$50,000 threshold will come into play.

If the landowner is not willing to negotiate a price for the easement, then the board will need to explore it's options regarding acquiring the easement involuntarily.

Hopefully, this provides you with the necessary guidance concerning how to proceed. If you have further questions or need additional assistance, please do not hesitate to contact me.

Very truly yours,

FREY, HAUF & CURRENT, P.L.C.

BY: 
T. Randy Current

TRC/bm/encl.